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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
VS.	§	CASE NO. L:06-MJ-758-04
	§	(SA-06-CR-050-XR (3))
Adelina GARZA	§	
	§	

ORDER OF DETENTION PENDING TRIAL

A detention hearing in accordance with Title 18, United States Code, Section 3142(f) was held in this case on April 26, 2006. Defendant is charged under Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846 with unlawfully, knowingly, and intentionally combining, conspiring, confederating, and agreeing with other persons to possess and distribute in excess of five kilograms of cocaine and Title 18, United States Code, Sections 1956(a)(1) and 1956(h) with unlawfully, knowingly, and intentionally combining, conspiring, confederating, and agreeing with other persons to launder monetary instruments. I find that the following facts are established by clear and convincing evidence and that they REQUIRE THE DETENTION of the Defendant, Adelina Garza, pending trial in this case.

FINDINGS OF FACT

The Government proffered the Pretrial Services Report stating that Defendant is a U.S. permanent resident but remains a Mexican citizen. Defendant has extensive family ties to Mexico as all of her family lives in Mexico with the exception of one brother. In addition, Defendant's husband is currently incarcerated for a conviction involving 400 kilograms of cocaine.

Defense Counsel proffered that Defendant's Mother would testify that Defendant has two children under the age of ten and that both children are dependent on their mother. Defendant's children are United States citizens and attend school in Laredo. Claudia Carriedo, Defendant's cousin, and Ms. Carriedo's Mother are both willing to sign a bond for Defendant. Although Defendant is married, she is separated from her husband, and her current boyfriend, his mother, and his grandmother are all willing to post bond for Defendant. Defendant has no criminal history, and the reason that she requests bond is to take care of her children.

REASONS FOR DETENTION


The evidence adduced at the hearing establishes probable cause to believe the Defendant has violated a statute which provides for a maximum sentence of life imprisonment under the Controlled Substances Act (21 U.S.C. § 801 et. seq.). Since probable cause exists to believe that the Defendant committed these crimes, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the appearance of the Defendant as required and the safety of the community. The Defendant has failed to produce facts which will rebut this presumption in light of the findings above. Defendant's family ties to Mexico leads this Court to believe that Defendant is a flight risk. The large amount of cocaine Defendant conspired to possess and distribute leads this Court to believe that Defendant is a danger to the community.

DIRECTIONS REGARDING DETENTION

The Defendant is committed to the custody of the United States Marshal for the Southern District of Texas, Laredo, Texas for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense

counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DONE at Laredo, Texas, this 1st day of May, 2006.



Adriana Arce-Flores
United States Magistrate Judge